IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA CHARLOTTESVILLE DIVISION

OCT 20 2011

(

MARK SMYTH,)		OCT U1 Y	
Petitioner,)			
)	Criminal Action No. 3:07-cr-00010		
v.)			
)	By:	Hon. Michael F. Urbanski	
)		United States District Judge	
UNITED STATES OF AMERICA,)			
Respondent.)			

ORDER

For the reasons set forth in the accompanying Memorandum Opinion entered this day, it is **ORDERED** that Mark Smyth's § 2255 petition (Dkt. # 391) be **DISMISSED**, that a certificate of appealability be **DENIED**, and that this case be **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to counsel of record.

Entered: October 20, 2011

Is/ Michael 7. Urbanski Michael F. Urbanski

United States District Judge